

From: Davis, Andrew N.
Sent: Friday, October 30, 2009 1:33 PM
To: 'Christopher Plaisted'
Cc: Olney, Austin P.
Subject: RE: DBL 152/NRDA etc.

Chris: Hope all is well. We wanted to follow-up on the few remaining open issues (detailed below) regarding the above in the hope of closing out this matter.

- **Payment of NOAA's Past Assessment Costs.** As we discussed, we put forth a proposal to have NOAA redirect the assessment cost invoice dated March 13, 2009 (in the amount of \$114,185.55) to the NPFC, which would enable the Fund to directly pay NOAA rather than have the RP pay the invoice and then seek reimbursement from the Fund. As you know, the RP was granted limitation under OPA but we reviewed these costs and found nothing objectionable. Our notes indicate you were going to get back to us as to NOAA's position on how this issue should be addressed.
- **Environmental Unit Reporting.** At the last formal meeting with the USCG (Feb. 8, 2007 in Port Arthur, TX), USCG and NOAA (Steve Lehman) asked ENTRIX to take the lead on putting together all of the environmental response documentation for Environmental Unit reporting (much of which was also used in the NRDA process) in order to document the response effort and close-out process. ENTRIX has largely completed this effort, but that some work remains to be done. While payment for this work will ultimately come from the NPFC, we would like confirmation that NOAA continues to support having ENTRIX complete this effort (we anticipate that this may not be within your discretion within NOAA and ask that you redirect us accordingly).
- **Sample Storage.** As you may recall, we reached an agreement with NOAA (Troy Baker) in February 2008 to dispose of three categories of samples (i.e., duplicate oiled snare samples, analyzed sediment samples, unanalyzed duplicates) currently being archived at B&B Laboratories in College Station, TX. At that time, NOAA requested that unanalyzed sediment samples continue to be archived. In accordance with NOAA's request, these samples continue to be stored at an annual cost of over \$8,000. Please note that these samples, which were collected between 12/19/05 and 6/01/06, have all expired (sediments currently have a 1 year hold time) and it would be difficult to defend any results if they were to be analyzed at a future time. Given the age of the samples, the substantial storage costs, and the fact that the RP has achieved limitation, we propose that the remaining samples be disposed of in accordance with applicable requirements. In the alternative, we propose the samples be relinquished to NOAA's custody for continued archiving (with associated costs to be directed to the NPFC). If you prefer the latter option, we would be happy to assist you with the transfer of these samples to a lab or your choice. Please advise.

- **Shoreline Counter-Proposal**. Please provide us with an update on the status of NOAA's review of the RP's NRDA settlement counter-proposal, dated June 5, 2009 (copy attached). If you have any questions regarding the counter-proposal or the accompanying technical memo prepared by ENTRIX, or if you need additional information, please let me know.
- **Process to Formally Conclude RP's Involvement**. Lastly, we discussed on our last call a mechanism to close out the NRDA process administratively with respect to the RP's involvement and to memorialize completion of the RP's obligations. At that time, you were unclear whether NOAA would prefer a Consent Decree or some other, formal but simpler, written document. Please note that our preference would be for whatever mechanism is most expedient and cost-efficient. Please advise as to your thoughts on how NOAA would like to proceed.

Given the above, we suggest it would be prudent to have a conference call to discuss a path forward to resolve all of these issues. Please let us know your thoughts and availability. Thx. Rgds. Andrew

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